

REMARKS

The following remarks are submitted in response to the Office Action communication dated April 15, 2008, wherein the shortened statutory period for response expires on July 15, 2008. Accordingly, this response is considered timely filed.

Claims 1, 3-6, 8-11 and 13-17 are pending in the subject patent application. Presently, claims 1, 3-6, 8-11 and 13-17 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0065752 (hereinafter "Lewis").

Applicants submit herewith for consideration the following remarks, wherein the Examiner's rejections are respectfully traversed. Applicants note that no amendment to the claims has been proposed in this response.

Rejection of Applicants' Claims under 35 U.S.C. § 102(b)

In rejecting previously amended claims 1, 11 and 17, the Examiner asserts that all of the limitations recited in these independent claims are anticipated by Lewis. Claims 1, 11 and 17 recite, respectively, a system, method and program storage device for offering a financial instrument across different types of trading platforms, at least two of the trading platforms using different trading protocols for the exchange of trading information.

The Examiner suggests that Lewis teaches both thin clients and user systems, identifying each as a disparate platform for receiving trade information in their native protocol in so far as the thin clients receive HTML, DHTML pages or JAVA applets and the user systems receive trade information via system compliant formats. *Office Action, Pages 8-9*. The Examiner also suggests that a format, as disclosed by Lewis, meets the definition of a protocol, as provided in Applicants' claimed invention. *Office Action, Page 9*.

Contrary to these suggestions, Applicants respectfully maintain their previous position that Lewis fails to teach or suggest the use of different protocols across disparate platforms attempting to exchange trade information. Applicants also respectfully maintain their previous position that a format, as disclosed in Lewis, is not equivalent to a protocol, as defined by Applicants' claimed invention.

Pursuant to MPEP § 2131, in order to anticipate and reject a claim under the provisions of 35 U.S.C. § 102, a reference must teach every element of the claim. It is well-established that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987). Therefore, in order for Lewis to defeat the novelty of Applicants' claimed invention, the scope of which is defined by the limitations of claims 1, 11 and 17, Lewis must disclose each and every limitation of the claims. *See Advance Display Sys. v. Kent State Univ.*, 212 F.3d 1272 (Fed. Cir. 2000). Applicants respectfully submit that Lewis fails to make such a showing and, therefore, claims 1, 11 and 17 are not anticipated. Support for Applicants' foregoing position is provided in the subsequent remarks.

In the field of information technology, a *protocol* is commonly understood to be a set of rules dictating how data is transmitted and received between at least two endpoints in a data network, while a *format* is commonly understood to be a layout for presenting data at an endpoint. The two terms are not analogous in the pertinent art. Protocols are typically configured, for example, with a set of rules for deploying an error checking scheme, a data compression method, an acknowledgment that an endpoint sending a data message has completed transmission of the data message or an acknowledgment that an endpoint receiving a data message has completed receipt of the data message. Any suitable combination of rules may be employed in conjunction with a protocol to allow a sending endpoint originating a data message to communicate with one or more receiving endpoints. However, the crux of sending and receiving a data message between endpoints is the protocol deployed at each endpoint, wherein establishing a connection between the endpoints for purposes of exchanging the data message is dependent on the receiving endpoint recognizing the protocol structure deployed by the sending endpoint.

In Applicants' claimed invention, a data message from a first endpoint (i.e., the sending trading platform) having a first protocol is transmitted to a second endpoint (i.e., the receiving trading platform) having a second protocol. The foregoing exchange is facilitated by a Trade Exchange Interface (TEI), wherein the TEI translates the first protocol encapsulating pertinent trade data so that it can be understood by the second protocol associated with the receiving trading platform. Without the protocol translation capabilities of the TEI, trading platforms with different protocols would not otherwise be compatible for establishing an exchange of the

encapsulated data message. In essence, the TEI is converting rules corresponding to the first protocol so that they are in compliance with rules corresponding to the second protocol, thereby insuring a seamless exchange of the encapsulated trade data between the first trading platform and the second trading platform, each of which maintains the use of their own native protocol.

In contrast, the Examiner's reference to thin client devices receiving HTML, DHTML pages or JAVA applets, as described in paragraph [0076] of Lewis, has no bearing on a protocol dictating how trading information is sent and received. HTML, for example, is a collection of markup symbols that tell a web browser provided at an endpoint how to display a web page's text or images – this clearly pertains to the format of the data itself. The mere mention that the thin client devices of Lewis are receiving HTML, DHTML pages or JAVA applets and that the user systems receive trade information via system compliant formats does not lend any support that these alleged disparate systems are deploying different protocols to enable the exchange of information between their computers. In fact, the thin client devices and the user systems of Lewis may send and receive data in various compliant formats and still deploy the same protocols for the exchange of the formatted information between disparate platforms. Lewis simply makes no reference to trading platforms deploying different protocols for the exchange of trading information, nor can such a reference be inferred absent a single teaching or suggestion of a receiving platform attempting to exchange information with a sending platform having a non-compliant protocol.

Although Applicants do not dispute that trading information may need to undergo some type of compliance formatting when transmitted between disparate platforms, format compliant data is not the relevant subject matter being claimed in the present invention. A trading protocol in Applicants' claimed invention is a set of rules that dictate how data is exchanged between platforms, not how data is presented after it is accepted by the receiving platform. As previously submitted, formatting of data has nothing to do with the exchange of trading information as encapsulated in a protocol. The manner of exchange in Applicants' claimed invention is dictated solely by the protocol deployed.

Support for the use of protocols, rather than format, in accordance with the foregoing remarks may be found throughout the detailed specification of Applicants' claimed invention, where there are numerous references made to protocol flows employing, for example, the use of acknowledgements to verify the sending and receiving of quote messages between trading

platforms using the TEI as a protocol translating intermediary. Absent the TEI of Applicants' claimed invention, disparate platforms using different trading protocols would have no means of exchanging data between each other, thereby rendering moot the issue of a compliant format. A compliant format for presenting the data becomes irrelevant if the intended trading platform can not even decipher the protocol encapsulating the trade information.

In view of the foregoing remarks, Applicants respectfully submit that Lewis is deficient in showing each and every limitation of the claimed invention. Therefore, previously amended independent claim 1, claims 3-6 and 8-10 which depend therefrom, previously amended independent claim 11, claims 13-16 which depend therefrom, and previously amended independent claim 17 are not anticipated by the teachings of Lewis. Accordingly, Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 102(b) be withdrawn.

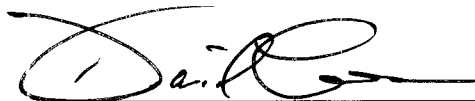
Conclusion

For at least the reasons set forth above, this patent application, as amended, is now in condition for allowance. Reconsideration and prompt allowance of this patent application are respectfully requested.

If it will advance the prosecution of this patent application, the Examiner is urged to telephone (973.597.6326) Applicants' undersigned representative. All written communications should continue to be sent to the address provided below.

Respectfully submitted,

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